

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) PENA, Rovani			2. EDIPI (b) (6), (b) (7)(C)	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION MACG-38, 3d MAW				6. CURRENT SERVICE	
				a. INITIAL DATE 20151102	b. TERM 4 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED N/A	9. DATE(S) IMPOSED N/A	
a. BASIC \$2,004.30	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$2,004.30			

II. CHARGE(S) AND SPECIFICATION(S)

10. Charge I: Violation of the UCMJ, Article 120

Specification 1: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, commit a sexual act upon (b) (6), (b) (7)(C), by causing penetration of (b) (6), (b) (7)(C)'s vulva with his finger by using unlawful force against her, with an intent to arouse and gratify his own sexual desire.

Specification 2: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, commit a sexual act upon (b) (6), (b) (7)(C), by causing penetration of (b) (6), (b) (7)(C)'s vulva with his finger by causing bodily harm to her, to wit: penetrating (b) (6), (b) (7)(C)'s vulva with his finger without her consent, with an intent to arouse and gratify his own sexual desire.

Specification 3: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, touch through the clothing, the buttocks of (b) (6), (b) (7)(C) by causing bodily harm to her, to wit: touching through the clothing, the buttocks of (b) (6), (b) (7)(C) without her consent, with an intent to arouse and gratify his own sexual desire.

(CONTINUED ON SUPPLEMENTAL PAGE)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6), (b) (7)(C)	b. GRADE E-3	c. ORGANIZATION OF ACCUSER HqSptBn, MCI-West-MCB, CamPen, CA
d. (b) (6), (b) (7)(C)		e. DATE 5 Dec 2017

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 5TH day of DECEMBER, 2017, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

(b) (6), (b) (7)(C)

Typed Name of Officer

Captain, U.S. Marine Corps

(b) (6), (b) (7)(C)

Signature

HqSptBn, MCI-West-MCB, CamPen, CA

Organization of Officer

Judge Advocate

Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

12. On 6 DECEMBER, 20 17, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6), (b) (7)(C)

Typed Name of Immediate Commander

MACG-38, 3d MAW

Organization of Immediate Commander

First Lieutenant, U.S. Marine Corps

(b) (6), (b) (7)(C)

Signature

IV. RECEIPT BY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0900 hours, 6 DECEMBER 20 17 at MACG 38, 3D MAW
Designation of Command or

Officer Exercising Special Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE: Commanding Officer

(b) (6), (b) (7)(C)

Typed Name of Officer

Legal Officer

Official Capacity of Officer Signing

First Lieutenant, U.S. Marine Corps

(b) (6), (b) (7)(C)

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

3d MAW, MCAS Miramar

San Diego, CA

FEB 16 2018

Referred for trial to the

General

court-martial convened by

GCMCO #1-16

Dated 30, December 20 16, subject to the following instructions: None.

////////////////////

////

by

////////////////////

of

////////////////////

Command or Order

M. R. WISE

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

MAJOR GENERAL, USMC

Grade

(b) (6), (b) (7)(C)

Signature

15. On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6), (b) (7)(C)

Typed Name of Trial Counsel

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel/Summary Court-Martial Officer

Signature

FOOTNOTES

- 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

Charge II: Violation of the UCMJ, Article 129

Specification 1: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, in the nighttime, unlawfully break and enter the dwelling house of (b) (6), (b) (7)(C) with intent to commit abusive sexual contact therein.

Specification 2: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, in the nighttime, unlawfully break and enter the dwelling house of (b) (6), (b) (7)(C), with intent to commit rape therein.

Charge III: Violation of the UCMJ, Article 134

Specification 1: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, unlawfully enter the barracks room of (b) (6), (b) (7)(C) (b) (6), such conduct being to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

Specification 2: In that Lance Corporal Rovani Pena, U.S. Marine Corps, on active duty, did, at or near Camp Pendleton, California, on or about 27 January 2017, unlawfully enter the barracks room of (b) (6), (b) (7)(C) (b) (6), such conduct being to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.